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09/100,133	06/19/1998	DOUGLAS W. CONMY	52817.000013	8229

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34
EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/100,133

Applicant(s)

CONMY ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 21, 2003 has been entered.

Claims 1-30 are pending.

2. The declarations filed on April 21, 2003 under 37 CFR 1.131 are sufficient to overcome the Microsoft Outlook 97 references; therefore, a new art rejection follows.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20, 23, 25-27, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hotaling et al. (U.S. Patent No. 5,124,912).

Hotaling discloses a system for scheduling time intervals for a plurality of invitees comprising:

[Claim 1] database means in communication with one or more server means for storing one or more invitee profiles for one or more potential invitees of the system, the one or more invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user and an electronic mail address for the user (Figs. 1-2, 10-12; col. 3, lines 10-30; col. 10, lines 13-18);

request generating means, connected over a network to the one or more server means, for generating a request for allocation of a time interval for the one or more potential invitees (col. 7, line 61 through col. 8, line 13);

busy time determination means for gathering the one or more invitee profiles for the one or more potential invitees that were requested by the request generating means and that are available in the database means and determining whether those one or more potential invitees are available during the time interval requested by the request generating means (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13); and

means for scheduling a meeting by using the electronic mail address in the invitee profile to send each of the one or more potential invitees available an invitation to attend at the time interval requested thereby making each of the one or more potential invitees an invitee (col. 3, lines 27-30; col. 10, lines 13-18);

automatically updating the invitee's invitee profile based on the invitee's response to the invitation (col. 8, lines 19-27; col. 10, line 22 through col. 11, line 59 --
An invitee's public schedule is automatically updated to reflect tentatively scheduled

Art Unit: 3623

meetings; however, the invitee can then choose an automatic option to either update his/her calendar, indicating acceptance of the invitation, or the invitee can request to delete a tentatively scheduled meeting, thereby provoking the scheduling system to automatically delete the tentatively scheduled meeting, indicating declination of the invitation);

[Claim 2] wherein the invitee profiles comprise resource profiles regarding one or more resources wherein each resources profile comprises information regarding available and unavailable times for the resource (col. 5, lines 52-68; col. 6, lines 54-67);

[Claim 3] wherein the resources include rooms and wherein the profile comprises information about the capacity of the room (col. 5, line 52 through col. 6, line 47);

[Claim 4] wherein the resources include equipment (col. 6, lines 54-67).

Hoteling discloses a system for scheduling time intervals for a plurality of invitees comprising:

[Claim 5] one or more databases, in communication with one or more servers, which store one or more invitee profiles for one or more potential invitees of the system, the one or more invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user and an electronic mail address for the user (Figs. 1-2, 10-12; col. 3, lines 10-30; col. 10, lines 13-18);

one or more user workstations, connected over a network to the servers, operating a calendaring system that permits a user to request allocation of a time interval for the one or more potential invitees (col. 7, line 61 through col. 8, line 13);

wherein the calendaring system gathers the profiles for the one or more potential invitees that are available in the one or more databases and determines whether those one or more potential invitees are available during the time interval requested (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13); and

wherein the calendaring system invites the one or more potential invitees by using the electronic mail address stored in the invitee profile for the one or more potential invitees to send an invitation to the one or more potential invitees thereby making each of the one or more potential invitees an invitee (col. 3, lines 27-30; col. 10, lines 13-18);

[Claim 8] wherein the invitee profiles comprise resource profiles regarding one or more resources wherein each resource profile comprises information regarding available and unavailable times for the resource (col. 5, lines 52-68; col. 6, lines 54-67);

[Claim 9] wherein the resources include rooms and wherein the profile comprises information about the capacity of the room (col. 5, line 52 through col. 6, line 47);

[Claim 10] wherein the resources include equipment (col. 6, lines 54-67).

Hotaling discloses a process for scheduling time intervals for a plurality of invitees comprising:

Art Unit: 3623

[Claim 6] storing one or more invitee profiles for one or more potential invitees of the system in a database in communication with one or more servers, the one or more invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user and an electronic mail address for the user (Figs. 1-2, 10-12; col. 3, lines 10-30; col. 10, lines 13-18);

receiving a request for allocation of a time interval for the one or more potential invitees from a remote workstation over a network at one or more servers (col. 7, line 61 through col. 8, line 13);

gathering the profiles for the one or more potential invitees that are available in the database (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13);

determining whether those one or more potential invitees are available during the time interval requested (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13); and

inviting the one or more potential invitees to attend at the time interval requested by using the electronic mail address stored in the profile for those one or more potential invitees to send an invitation to the one or more potential invitees thereby making each of the one or more potential invitees an invitee (col. 3, lines 27-30; col. 10, lines 13-18); and

automatically updating the invitee's invitee profile based on the invitee's response to the invitation (col. 8, lines 19-27; col. 10, line 22 through col. 11, line 59 -- An invitee's public schedule is automatically updated to reflect tentatively scheduled meetings; however, the invitee can then choose an automatic option to either update

Art Unit: 3623

his/her calendar, indicating acceptance of the invitation, or the invitee can request to delete a tentatively scheduled meeting, thereby provoking the scheduling system to automatically delete the tentatively scheduled meeting, indicating declination of the invitation);

[Claim 11] wherein the invitee profiles comprise resource profiles regarding one or more resources, wherein each resources profile comprises information regarding available and unavailable times for the resources (col. 5, lines 52-68; col. 6, lines 54-67);

[Claim 12] wherein the resources include rooms and wherein the profile comprises information about the capacity of the rooms (col. 5, line 52 through col. 6, line 47);

[Claim 13] wherein the resources include equipment (col. 6, lines 54-67).

Hotaling discloses a processor usable medium having processor readable code embodied therein for enabling group calendaring between a plurality of users on a computer system, the system comprising a database, associated with one or more servers, which stores one or more invitee profiles for one or more potential invitees of the system, the invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user and an electronic mail address for the user (Figs. 1-2, 10-12; col. 3, lines 10-30; col. 10, lines 13-18), the processor readable code in the processor usable medium comprising:

Art Unit: 3623

[Claim 7] processor readable code for causing a processor to receive a request for allocation of a time interval for one or more potential invitees (col. 7, line 61 through col. 8, line 13);

processor readable code for causing a processor to gather the profiles for the one or more potential invitees (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13);

processor readable code for causing a processor to determine whether those one or more potential invitees are available during the requested time interval (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13); and

processor readable code for causing a processor to invite the one or more potential invitees to attend a meeting at the requested time interval by using the electronic mail address stored in the profile for each invitee to send an invitation to the one or more potential invitees thereby making each of the one or more potential invitees an invitee (col. 3, lines 27-30; col. 10, lines 13-18); and

automatically updating the invitee's invitee profile based on the invitee's response to the invitation (col. 8, lines 19-27; col. 10, line 22 through col. 11, line 59 -- An invitee's public schedule is automatically updated to reflect tentatively scheduled meetings; however, the invitee can then choose an automatic option to either update his/her calendar, indicating acceptance of the invitation, or the invitee can request to delete a tentatively scheduled meeting, thereby provoking the scheduling system to automatically delete the tentatively scheduled meeting, indicating declination of the invitation);

[Claim 14] wherein the invitee profiles comprise resource profiles regarding one or more resources, wherein each resource profile comprises information regarding available and unavailable times for the resources (col. 5, lines 52-68; col. 6, lines 54-67);

[Claim 15] wherein the resources include rooms and wherein the profile comprises information about the capacity of the rooms (col. 5, line 52 through col. 6, line 47);

[Claim 16] wherein the resources include equipment (col. 6, lines 54-67).

Hotaling discloses a system for scheduling an event, comprising:

[Claim 17] a database that stores availability information for one or more potential invitees to the event;

a server operable to access the database and retrieve the available information;

a user system operable to send to the server a scheduling request specifying a list of invitees, a date, a start time, and an end time and/or a duration which determines the end time, wherein

the server is further operable to:

receive the scheduling request;

retrieve from the database availability information for one or more of the invitees listed in the request;

determine whether or not the one or more invitees are available to attend the event based on the availability information;

send an invitation to one or more of the invitees listed in the request;

receive from an invitee a response to the invitation; and
automatically modify the availability information for the invitee if the invitee's response indicates that the invitee accepts the invitation, wherein the availability information is modified to indicate that the invitee is busy between at least the start time and end time on the date specified in the request (Figs. 1-2, 10-12; col. 3, lines 10-30; col. 7, line 61 through col. 8, line 13; col. 10, lines 13-18; col. 8, lines 19-27; col. 10, line 22 through col. 11, line 59 -- An invitee's public schedule is automatically updated to reflect tentatively scheduled meetings; however, the invitee can then choose an automatic option to either update his/her calendar, indicating acceptance of the invitation, or the invitee can request to delete a tentatively scheduled meeting, thereby provoking the scheduling system to automatically delete the tentatively scheduled meeting, indicating declination of the invitation);

[Claim 18] wherein the server determines whether or not the one or more invitees are available to attend the event by examining the availability information and determining whether or not the one or more invitees are busy between the start time and end time on the date specified in the scheduling request (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13);

[Claim 19] wherein the server is further operable to determine one or more alternative start times for the event, wherein the determination is based, at least in part, on the retrieved availability information (Fig. 10; col. 5, lines 19-34);

[Claim 20] wherein the determination of the one or more alternative start times is further based on weighting values assigned to one or more of the invitees (col. 5, lines

19-34: The attendance of various invitees is identified as critical or non-critical. The schedules of critical invitees directly affect the “scheduling process to optimize a meeting date and time”; therefore, the characteristics of the critical invitees carry a higher value than those associated with a non-critical invitee);

[Claim 23] wherein availability information for an invitee comprises profile information and calendar information (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13);

[Claim 25] wherein the calendar information comprises information regarding events that have been scheduled for the invitee (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13).

Hotaling discloses a method for scheduling an event, comprising:

[Claim 26] storing availability information for one or more potential invitees to the event;

receiving from an event coordinator a scheduling request specifying a list of invitees, a date, a start time, and an end time and/or a duration which determines the end time;

retrieving availability information for one or more of the invitees listed in the request in response to receiving the request;

presenting to the event coordinator information from which the event coordinator can determine whether or not the one or more invitees are available to attend the event;

sending an invitation to one or more of the invitees listed in the request;

receiving from an invitee a response to the invitation; and
automatically modifying the availability information for the invitee in response to receiving the invitee's response if the invitee's response indicates that the invitee accepts the invitation, wherein the availability information is modified to indicate that the invitee is busy between at least the start time and end time on the date specified in the request (Figs. 1-2, 10-12; col. 3, lines 10-30; col. 7, line 61 through col. 8, line 13; col. 10, lines 13-18; col. 8, lines 19-27; col. 10, line 22 through col. 11, line 59 -- An invitee's public schedule is automatically updated to reflect tentatively scheduled meetings; however, the invitee can then choose an automatic option to either update his/her calendar, indicating acceptance of the invitation, or the invitee can request to delete a tentatively scheduled meeting, thereby provoking the scheduling system to automatically delete the tentatively scheduled meeting, indicating declination of the invitation);

[Claim 27] wherein availability information for an invitee comprises profile information and calendar information (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13);

[Claim 29] wherein the calendar information comprises information regarding events that have been scheduled for the invitee (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13).

[Claim 30] Hotaling discloses a computer readable medium, having encoded thereon a computer program operative to perform the method of claim 26 (Figs. 1-2, 10-12; col.

3, lines 10-30; col. 7, line 61 through col. 8, line 13; col. 10, lines 13-18; col. 8, lines 19-27; col. 10, line 22 through col. 11, line 59 -- An invitee's public schedule is automatically updated to reflect tentatively scheduled meetings; however, the invitee can then choose an automatic option to either update his/her calendar, indicating acceptance of the invitation, or the invitee can request to delete a tentatively scheduled meeting, thereby provoking the scheduling system to automatically delete the tentatively scheduled meeting, indicating declination of the invitation).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21, 22, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotaling et al. (U.S. Patent No. 5,124,912), as applied to claims 17 and 27 above, and further in view of Tognazzini (U.S. Patent No. 5,790,974).

Hotaling does not explicitly take invitee and event location into account in order to determine invitee availability for a particular event; however, Tognazzini makes up for this deficiency. Tognazzini teaches an automated scheduling system which takes into account event location and invitee location in order to determine if the invitee can feasibly attend the event in question (e.g., based on travel time). There may be a periodic real-time check to see where the invitee is presently located and then if the

invitee can arrive at his/her next planned event in time, based on a real-time determination of travel time to the next scheduled event. An alert is provided if the invitee is running late or stuck in traffic and cannot make his/her next scheduled event in time. Also, travel time is taken into account when determining an invitee's ability to attend a future event (column 7, lines 11-66). This consideration of travel time between locations and events helps alleviate any conflicts in scheduling that would otherwise arise due to failure to take into account the reality that travel time is needed to get from one location to another. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Tognazzini's consideration of event location and invitee location, including travel time, when determining invitee availability with Hotaling's scheduling system in order to provide for more accurate and realistic assessment of the availability of all invitees when planning an event. For example, if one of the invitees is listed as available for a meeting at 2 p.m. E.S.T. on a particular day in Washington, D.C., but the invitee is out in San Francisco for a meeting which runs from 12 to 1 p.m. E.S.T. (9 to 10 a.m. P.S.T.), obviously the invitee cannot likely fly back to make the meeting in Washington, D.C. within an hour. The integration of Tognazzini's scheduling features enables Hotaling's invention to take such location considerations into account, thereby resulting in more "intelligent" scheduling decisions being made by Hotaling as part of its scheduling features.

Furthermore, regarding claims 24 and 28, Hotaling discloses profile information for an invitee comprising information regarding the invitee's work hours (Figs. 1-2, 10-

Art Unit: 3623

12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13); however, Hotaling does not explicitly teach the inclusion of the location where the invitee works in the invitee's profile. In light of the discussion found immediately above, the Hotaling-Tognazzini combination would inherently include information about where the invitee works in the invitee's profile in order to use this location information when appropriate for determining travel time between different event locations.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

Application/Control Number: 09/100,133

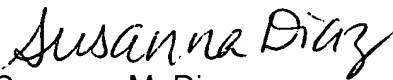
Page 16

Art Unit: 3623

(703)746-7048

[Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.



Susanna M. Diaz

Patent Examiner

Art Unit 3623

May 23, 2003